

(ii) the maximum production level permitted for the applicable regulated substances in the transfer year under applicable law, less the production allowances transferred; and

(iii) the average of the actual national production level of the applicable regulated substances for the 3-year period ending on the date of the transfer, less the production allowances transferred; or

(B) from a person in a foreign country if, at the time of the trade or transfer, the Administrator finds that the foreign country has revised the domestic production limits of the regulated substance in the same manner as provided with respect to transfers by a person in United² States under this subsection.

(3) Effect of transfers on production limits

The Administrator may—

(A) reduce the production limits established under subsection (e)(2)(B) as required as a prerequisite to a transfer described in paragraph (2)(A); or

(B) increase the production limits established under subsection (e)(2)(B) to reflect production allowances acquired under a trade or transfer described in paragraph (2)(B).

(4) Regulations

The Administrator shall—

(A) not later than 1 year after December 27, 2020, promulgate a final rule to carry out this subsection; and

(B) not less frequently than annually, review and, if necessary, revise the final rule promulgated pursuant to subparagraph (A).

(k) Relationship to other law

(1) Implementation

(A) Rulemakings

The Administrator may promulgate such regulations as are necessary to carry out the functions of the Administrator under this section.

(B) Delegation

The Administrator may delegate to any officer or employee of the Environmental Protection Agency such of the powers and duties of the Administrator under this section as the Administrator determines to be appropriate.

(C) Clean Air Act

Sections 113, 114, 304, and 307 of the Clean Air Act (42 U.S.C. 7413, 7414, 7604, 7607) shall apply to this section and any rule, rule-making, or regulation promulgated by the Administrator pursuant to this section as though this section were expressly included in title VI of that Act (42 U.S.C. 7671 et seq.).

(2) Preemption

(A) In general

Subject to subparagraph (B), during the 5-year period beginning on December 27, 2020,

and with respect to an exclusive use for which a mandatory allocation of allowances is provided under subsection (e)(4)(B)(iv)(I), no State or political subdivision of a State may enforce a statute or administrative action restricting the management or use of a regulated substance within that exclusive use.

(B) Extension

(i) In general

Subject to clause (ii), if, pursuant to subclause (I) of subsection (e)(4)(B)(v), the Administrator authorizes an additional period under subclause (II) of that subsection for the production or consumption of a regulated substance for an exclusive use described in subparagraph (A), no State or political subdivision of a State may enforce a statute or administrative action restricting the management or use of the regulated substance within that exclusive use for the duration of that additional period.

(ii) Limitation

The period for which the limitation under clause (i) applies shall not exceed 5 years from the date on which the period described in subparagraph (A) ends.

(Pub. L. 116–260, div. S, §103, Dec. 27, 2020, 134 Stat. 2255.)

REFERENCES IN TEXT

The Clean Air Act, referred to in subsecs. (d)(1)(B)(i) and (k)(1)(C), is act July 14, 1955, ch. 360, 69 Stat. 322, which is classified generally to this chapter. Title VI of the Act is classified generally to subchapter VI (§7671 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 7401 of this title and Tables.

CODIFICATION

Section was enacted as the American Innovation and Manufacturing Act of 2020, and also as part of the Consolidated Appropriations Act, 2021, and not as part of the Clean Air Act which comprises this chapter.

CHAPTER 86—EARTHQUAKE HAZARDS REDUCTION

Sec.	
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7705, 7705a.	Repealed.
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7709.	Scientific Earthquake Studies Advisory Committee.

§ 7701. Congressional findings

The Congress finds and declares the following:

(1) All 50 States, and the Commonwealth of Puerto Rico, are vulnerable to the hazards of

² So in original. Probably should be preceded by “the”.

earthquakes, and at least 39 of them are subject to major or moderate seismic risk, including Alaska, California, Hawaii, Illinois, Massachusetts, Missouri, Montana, Nevada, New Jersey, New York, Oregon, South Carolina Tennessee,¹ Utah, and Washington. A large portion of the population of the United States lives in areas vulnerable to earthquake hazards.

(2) Earthquakes have caused, and can cause in the future, enormous loss of life, injury, destruction of property, and economic and social disruption. With respect to future earthquakes, such loss, destruction, and disruption can be substantially reduced through the development and implementation of earthquake hazards reduction measures, including (A) improved design and construction methods and practices, (B) land-use controls and redevelopment, (C) early-warning systems, (D) coordinated emergency preparedness plans, and (E) public education and involvement programs.

(3) An expertly staffed and adequately financed earthquake hazards reduction program, based on Federal, State, local, and private research, planning, decisionmaking, and contributions would reduce the risk of such loss, destruction, and disruption in seismic areas by an amount far greater than the cost of such program.

(4) A well-funded seismological research program could provide the scientific understanding needed to fully implement an effective earthquake early warning system.

(5) The geological study of active faults and features can reveal how recently and how frequently major earthquakes have occurred on those faults and how much risk they pose. Such long-term seismic risk assessments are needed in virtually every aspect of earthquake hazards management, whether emergency planning, public regulation, detailed building design, insurance rating, or investment decision.

(6) The vulnerability of buildings, lifeline infrastructure, public works, and industrial and emergency facilities can be reduced through proper earthquake resistant design and construction practices. The economy and efficacy of such procedures can be substantially increased through research and development.

(7) Programs and practices of departments and agencies of the United States are important to the communities they serve; some functions, such as emergency communications and national defense, and lifeline infrastructure, such as dams, bridges, and public works, must remain in service during and after an earthquake. Federally owned, operated, and influenced structures and lifeline infrastructure should serve as models for how to reduce and minimize hazards to the community.

(8) The implementation of earthquake hazards reduction measures would, as an added benefit, also reduce the risk of loss, destruction, and disruption from other natural hazards and manmade hazards, including hurricanes, tornadoes, accidents, explosions, landslides, building and structural cave-ins, and fires.

(9) Reduction of loss, destruction, and disruption from earthquakes will depend on the actions of individuals, and organizations in the private sector and governmental units at Federal, State, and local levels. The current capability to transfer knowledge and information to these sectors is insufficient. Improved mechanisms are needed to translate existing information and research findings into reasonable and usable specifications, criteria, and practices so that individuals, organizations, and governmental units may make informed decisions and take appropriate actions.

(10) Severe earthquakes are a worldwide problem. Since damaging earthquakes occur infrequently in any one nation, international cooperation is desirable for mutual learning from limited experiences.

(11) An effective Federal program in earthquake hazards reduction will require input from and review by persons outside the Federal Government expert in the sciences of earthquake hazards reduction and in the practical application of earthquake hazards reduction measures.

(12) The built environment has generally been constructed and maintained to meet the needs of the users under normal conditions. When earthquakes occur, the built environment is generally designed to prevent severe injuries or loss of human life and is not expected to remain operational or able to recover under any specified schedule.

(13) The National Research Council published a study on reducing hazards and risks associated with earthquakes based on the goals and objectives for achieving national earthquake resilience described in the strategic plan entitled "Strategic Plan for the National Earthquake Hazards Reduction Program". The study and an accompanying report called for work in 18 tasks focused on research, preparedness, and mitigation and annual funding of approximately \$300,000,000 per year for 20 years.

(Pub. L. 95-124, § 2, Oct. 7, 1977, 91 Stat. 1098; Pub. L. 101-614, § 2, Nov. 16, 1990, 104 Stat. 3231; Pub. L. 115-307, § 2(a), Dec. 11, 2018, 132 Stat. 4408.)

AMENDMENTS

2018—Par. (1). Pub. L. 115-307, § 2(a)(1), inserted ", and the Commonwealth of Puerto Rico," after "States", "Oregon," after "New York," and "Tennessee," after "South Carolina".

Par. (2)(C). Pub. L. 115-307, § 2(a)(2), struck out "prediction techniques and" before "early-warning systems,".

Par. (4). Pub. L. 115-307, § 2(a)(3), added par. (4) and struck out former par. (4) which read as follows: "A well-funded seismological research program in earthquake prediction could provide data adequate for the design, of an operational system that could predict accurately the time, place, magnitude, and physical effects of earthquakes in selected areas of the United States."

Pars. (6), (7). Pub. L. 115-307, § 2(a)(4), substituted "lifeline infrastructure" for "lifelines" wherever appearing.

Pars. (12), (13). Pub. L. 115-307, § 2(a)(5), added pars. (12) and (13).

1990—Pars. (5) to (11). Pub. L. 101-614 added pars. (5) to (7), struck out former pars. (5) and (6), and redesignated former pars. (7) to (10) as (8) to (11), respectively. Prior to amendment, pars. (5) and (6) read as follows:

¹ So in original.

“(5) An operational earthquake prediction system can produce significant social, economic, legal, and political consequences.

“(6) There is a scientific basis for hypothesizing that major earthquakes may be moderated, in at least some seismic areas, by application of the findings of earthquake control and seismological research.”

SHORT TITLE OF 2018 AMENDMENT

Pub. L. 115-307, §1, Dec. 11, 2018, 132 Stat. 4408, provided that: “This Act [amending this section and sections 7702 to 7704, 7705b, 7705c, and 7705e to 7707 of this title and enacting provisions set out as a note under section 7704 of this title] may be cited as the ‘National Earthquake Hazards Reduction Program Reauthorization Act of 2018’.”

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108-360, title I, §101, Oct. 25, 2004, 118 Stat. 1668, provided that: “This title [amending sections 7703, 7704, and 7706 to 7708 of this title] may be cited as the ‘National Earthquake Hazards Reduction Program Reauthorization Act of 2004’.”

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-503, title II, §201, Nov. 13, 2000, 114 Stat. 2304, provided that: “This title [enacting sections 7707 to 7709 of this title, amending sections 7703, 7704, and 7706 of this title, repealing section 7705d of this title, enacting provisions set out as a note under this section, and amending provisions set out as a note under section 7704 of this title] may be cited as the ‘Earthquake Hazards Reduction Authorization Act of 2000’.”

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-614, §1, Nov. 16, 1990, 104 Stat. 3231, provided that: “This Act [enacting sections 7705a to 7705e, amending this section and sections 7702 to 7705, and 7706 of this title, and enacting provisions set out as notes under sections 7704, 7705b, and 7705e of this title] may be cited as the ‘National Earthquake Hazards Reduction Program Reauthorization Act’.”

SHORT TITLE

Pub. L. 95-124, §1, Oct. 7, 1977, 91 Stat. 1098, provided: “That this Act [enacting this chapter] may be cited as the ‘Earthquake Hazards Reduction Act of 1977’.”

REPORT ON AT-RISK POPULATIONS

Pub. L. 106-503, title II, §207, Nov. 13, 2000, 114 Stat. 2307, required the Director of the Federal Emergency Management Agency to transmit to Congress a report no later than 1 year after Nov. 13, 2000, describing the elements of the National Earthquake Hazards Reduction Program that specifically addressed the needs of at-risk populations.

DELEGATION OF FUNCTIONS

Functions of President under Earthquake Hazards Reduction Act of 1977 delegated, transferred, or re-assigned to Secretary of Homeland Security pursuant to sections 1-104 and 4-204 of Ex. Ord. No. 12148, July 20, 1979, 44 F.R. 43239, as amended, set out as a note under section 5195 of this title.

§ 7702. Congressional statement of purpose

It is the purpose of the Congress in this chapter to reduce the risks of life and property from future earthquakes and increase the resilience of communities in the United States through the establishment and maintenance of an effective earthquake hazards reduction program. The objectives of such program shall include—

(1) the education of the public, including State and local officials, as to earthquake phenomena, the identification of locations and

structures which are especially susceptible to earthquake damage, ways to reduce the adverse consequences of an earthquake to individuals and the communities, and related matters;

(2) the development of technologically and economically feasible design and construction methods and procedures to make new and existing structures, in areas of seismic risk, earthquake resistant, giving priority to the development of such methods and procedures for power generating plants, dams, hospitals, schools, public utilities and other lifeline infrastructure, public safety structures, high occupancy buildings, and other structures which are especially needed to facilitate community-wide post-earthquake recovery and in times of disaster;

(3) the implementation to the greatest extent practicable, in all areas of high or moderate seismic risk, of a system (including personnel, technology, and procedures) for identifying, evaluating, and accurately characterizing seismic hazards;

(4) the development, publication, and promotion, in conjunction with State and local officials and professional organizations, of model building and planning codes and other means to encourage consideration of information about seismic risk in making decisions about land-use policy and construction activity;

(5) the development, in areas of seismic risk, of improved understanding of, and capability with respect to, earthquake-related issues, including methods of mitigating the risks from earthquakes, planning to prevent such risks, disseminating warnings of earthquakes, organization emergency services, and planning for re-occupancy, recovery, reconstruction, and redevelopment after an earthquake;

(6) the development of ways to increase the use of existing scientific and engineering knowledge to mitigate earthquake hazards; and

(7) the development of ways to assure the availability of affordable earthquake insurance.

(Pub. L. 95-124, §3, Oct. 7, 1977, 91 Stat. 1099; Pub. L. 101-614, §3, Nov. 16, 1990, 104 Stat. 3231; Pub. L. 115-307, §2(b), (c)(1)(B), Dec. 11, 2018, 132 Stat. 4408, 4409.)

AMENDMENTS

2018—Pub. L. 115-307, §2(b)(1), inserted “and increase the resilience of communities” after “future earthquakes” in introductory provisions.

Par. (1). Pub. L. 115-307, §2(b)(2), inserted “to individuals and the communities” after “an earthquake”.

Par. (2). Pub. L. 115-307, §2(b)(3), (c)(1)(B), substituted “lifeline infrastructure” for “lifelines” and “to facilitate community-wide post-earthquake recovery and in times of disaster” for “in time of disaster”.

Par. (3). Pub. L. 115-307, §2(b)(4), struck out “for predicting damaging earthquakes and” before “for identifying.”

Par. (4). Pub. L. 115-307, §2(b)(5), inserted “and planning” after “model building”.

Par. (5). Pub. L. 115-307, §2(b)(6), substituted “re-occupancy, recovery, reconstruction,” for “reconstruction”.

1990—Pub. L. 101-614 inserted sentence at end, listing objectives of program.